

VENTILATION AND ADEQUACY OF COOLING

- The unit must have adequate ventilation and cooling by means of openable windows or a working cooling system to assure there is adequate air circulation in the unit.

HOT WATER HEATER

- The hot water heater must be located, equipped and installed in a safe manner to assure that the heater does not present a hazard to the occupant.
- There are four ways a hot water heater could fail:
 1. **Location** - no combustible materials should be piled up against the heater.
 2. **Absence or Temperature-Pressure Relief Valve and Discharge Line** - the heater must also have a discharge line directed to the floor or outside of living area.
 3. **Improper Flues For Venting Exhaust Gasses** - flues must have adequate clearance from combustible materials.
 4. **Serious Leaks from the Hot Water Tank.**

WATER SUPPLY

- The unit must be served by an approvable public or private sanitary water supply to guarantee that the tenant will have adequate, clean water.
- If the structure is connected to a city water supply, this will pass.

PLUMBING

- The plumbing must be free from major leaks or corrosion that cause serious and persistent levels of rust or contamination of the drinking water to assure that the dwelling unit is not subject to serious plumbing problems involving leaking or corroded pipes that could present a hazard to the occupant.

SEWER CONNECTION

- The plumbing must be connected to an approvable public disposal system and free from sewer back up.
- If the sewer is connected to a city sewer system, it will pass.

GENERAL HEALTH AND SAFETY

Access to the Unit

- The unit must be able to be entered without having to go through another unit to assure that the tenant has direct access to his/her own unit, thereby assuring privacy of living quarters.

Exits

- The unit must have an acceptable fire exit from the building that is not blocked to assure that the tenant has an alternate means of exit from the building in case of fire.
- Examples of acceptable alternate exits:
 1. an openable window if the unit is on first or second floor or easily accessible to the ground;
 2. a back door opening onto a porch with a stairway leading to the ground; and
 3. a fire escape, fire ladder or fire stairs.
- **Blocked Exit** means that the exit is not usable due to conditions such as debris, storage, nailed-shut door, broken lock.
- Consideration should be given to whether or not the exit is acceptable for the individual tenant (**whether a handicapped person could or could not use a fire ladder**).

Evidence of Infestation

- The unit must be free from rats or severe infestation of mice or vermin to assure that the tenant will not be exposed to serious infestation of rats, mice or other potentially harmful vermin.

Garbage and Debris

- The unit must be free from heavy accumulation of garbage or debris inside and out to assure that the tenant is not exposed to health hazards resulting from accumulation of garbage or trash in or around the unit.
- A general rule of thumb would be that a level of accumulation that is beyond the capacity of an individual to pick up within an hour or two would not be acceptable.

Refuse Disposal

- There must be **adequately covered facilities** for temporary storage and disposal of food wastes to assure the tenant has adequate means of storage and disposal of garbage and refuse.

- Adequate and covered facilities means trash cans with covers, garbage chutes, dumpsters.

Interior Stairs and Common Halls

- The interior stairs and common halls must be free from safety hazards to the occupants to assure that they are safe and adequately lighted so that the tenant is not exposed to safety risks.
- Some **safety hazards** are: loose, broken or missing steps on stairways, absent or insecure railings, inadequate lighting.
- **Dangerous conditions** would be: loose, broken or missing steps or handrails, an accumulation of objects on the steps, ripped, torn or frayed stair coverings such as carpets or rubber mats, or a large number of missing sections of vertical railings (balusters).
- A **handrail** is required on extended sections of stairs, generally four or more consecutive steps.
- A **handrail** is required on unprotected heights, like stairwells.

Other Interior Hazards

- Examples of other interior hazards to check for are: a protruding nail in a doorway; a broken bathroom fixture with a jagged edge at a level where someone could be cut; a door that might fall because it is partially broken off its hinges.

Elevators

- Must be operating safely to assure they do not pose a safety hazard to the occupant.
- Saint Paul does not require a current inspection certificate.

Interior Air Quality

- The unit must be free from abnormally high levels of air pollution from vehicular exhaust, sewer gas, fuel gas, dust or other pollutants to assure that the occupant is not exposed to abnormally high levels of harmful gasses or other noxious pollutants.
- **Abnormally high** means levels of noxious gasses or other pollutants that are consistently present in amounts that would constitute a continuing health hazard to the occupant.

Site and Neighborhood Conditions

- The site and immediate neighborhood must be free from conditions which would seriously and continuously endanger the health or safety of the residents.

1. other buildings on or near the property that pose serious hazards (e.g., dilapidated shed or garage with potential for structural collapse);
2. evidence of flooding or major drainage problems;
3. proximity to open sewage;
4. abnormal air pollution or smoke which continues throughout the year;
5. fire hazards; and
6. continuous or excessive vibration of vehicular traffic.

Lead Paint

- Current criteria regarding lead paint abatement affects units built prior to 1978 and occupied by children under the age of seven. Detailed information on lead-based paint hazard elimination can be obtained by contacting the Public Housing Agency Rental Office.

Smoke Detectors

- The unit must include at least one battery-operated or hard-wired smoke detector in proper working condition on each level of the unit adjacent to a bedroom. If the unit is occupied by hearing-impaired persons, smoke detectors must have an alarm system designed for hearing-impaired persons, in each bedroom occupied by a hearing-impaired person.

ST. PAUL PHA ADDITIONS TO HOUSING QUALITY STANDARDS MINIMUM STANDARDS:

- All openable windows from the fourth floor and below must be screened.
- Exterior doors must not have locks that require an inside key to open.

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essary to permit rehabilitation of demolition. If a move is required:

(i) Not more than one temporary relocation by the tenant shall be required;

(ii) The temporary relocation, if any, shall not exceed twelve months in duration;

(iii) A decent, safe, and sanitary dwelling shall be available to the tenant for the period of any temporary relocation; and

(iv) The local government shall pay actual reasonable out-of-pocket expenses, including any moving costs or increase in monthly housing cost incurred by the tenant in connection with the move, any temporary relocation, or both.

(4) If the tenant is required to vacate the dwelling during the four-year period for any reason other than for cause, or if any of the commitments to the tenant under this notice are not met, the tenant shall automatically be deemed to have been issued a notice of displacement as described in paragraph (e) of this section and to be entitled to relocation payments and other relocation assistance available to displaced persons provided in 24 CFR part 42, as modified by this section.

(e) *Notice of displacement.* Not later than 60 days after the HUD notification of the approval of the proposal, the local government shall issue a written notice of displacement to each residential tenant to be displaced. The notice shall state that if the tenant moves or moves personal property from the property on or after the date of HUD notification of approval of the proposal, the tenant will be entitled to certain relocation payments and other assistance which shall be described, including the maximum allowable dollar amount or range of each payment for which the tenant will apparently be eligible, the conditions of eligibility, and the procedures for obtaining the payment(s).

(f) *Automatic notice of displacement.* (1) If a tenant is not issued a preliminary notice as described in paragraph (c) of this section within 30 days after the transmittal of the proposal to HUD, the tenant shall be deemed to have been issued a notice of

displacement effective 31 days after the transmittal of the proposal to HUD, if such proposal is later approved by HUD. However, if the local government later issues a preliminary notice to a tenant who has not yet moved and agrees to reimburse the tenant for any expenses incurred to satisfy any binding contractual relocation obligations entered into during the period in which the notice of displacement was in effect, such automatic notice of displacement is cancelled.

(2) If a tenant is not issued a written notice of displacement or a notice of right to continue in occupancy within 60 days after the date of the HUD notification of the approval of the proposal, the tenant shall be deemed to have been issued a notice of displacement effective on the date of the HUD notification of the approval of the proposal.

(g) *Tenants continuing in occupancy.* The local government shall take such steps as may be necessary to insure that no tenants who continue in occupancy under the provisions of this section are subjected to an unreasonable change in the character of their immediate environment without being given the opportunity to move and qualify for relocation assistance as a displaced person. For example, an elderly tenant shall not be subjected without alternatives, to a sharp increase in the number of children occupying nearby units.

(h) *Section 8 assistance to tenant displaced by private owner.* If a residential tenant who has been displaced by an owner pursuant to paragraph (b) of this section has voluntarily selected a replacement rental dwelling unit, the local government shall provide a rental assistance payment as described in 24 CFR part 42, unless a PHA provides a Certificate of Family Participation under the Section 8 Housing Assistance Payments Program—Existing Housing, 24 CFR part 882. The latter can occur only when the displaced family or individual is eligible to participate in that program, the replacement rental dwelling unit meets the requirements of that program, and the landlord of the replacement rental dwelling unit is willing to

participate in that program. If the tenant elects to rent a replacement dwelling that cannot be assisted under the Section 8 Existing Housing Program, he/she must be offered the rental assistance payment described in § 42.402(p) of this title. (If an eligible tenant voluntarily selects a dwelling unit that meets the Section 8 requirements and the owner is willing to participate in the Existing Housing Program but the tenant refuses the Section 8 assistance, the tenant is not entitled to a rental assistance payment. Regardless of the source of any rental assistance payments provided, the local government shall provide moving expenses.

(i) *Nonresidential tenants.* The modifications in paragraphs (c) through (h) of this section do not apply to the displacement of any business, farm, or nonprofit organization which has been displaced as a result of an action described in paragraph (a) of this section. Such businesses, farms, or nonprofit organizations shall be provided relocation payments and other assistance in accordance with the regulations of 24 CFR part 42.

(j) *Manner of notices.* Any notice required under this section shall be personally served, receipt documented, or sent by certified or registered first-class mail, return receipt requested.

(k) *Responsibility for Relocation Payments and Assistance.* The local government is responsible for providing the relocation payments and assistance described in this section from funds other than those provided under these special procedures.

(45 FR 7085, Jan. 31 1980, as amended at 51 FR 6913, Feb. 27, 1986)

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

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- 882.211 Maintenance, operation and inspections.
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APPENDIX I—PROHIBITED LEASE PROVISIONS

Subpart C—Shared Housing in the Certificate Program

- 882.301 Applicability, scope, and purpose.
- 882.302 Definitions.
- 882.303 Types of shared housing and applicable requirements.

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submit financial statements to the PHA which clearly support the increase.

(b) *Overall Limitation.* Notwithstanding any other provisions of this part, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable (as defined in § 882.106(b)) unassisted units, as determined by the PHA (and approved by HUD in the case of adjustments under paragraph (a)(2) of this section).

(43 FR 61246, Dec. 29, 1978, as amended at 44 FR 43903, July 26, 1979; 47 FR 4252, Jan. 29, 1982; 47 FR 33500, Aug. 3, 1982; 49 FR 12237, Mar. 29, 1984)

§ 882.109 Housing quality standards.

Housing used in this program shall meet the Performance Requirements set forth in this section. In addition, the housing shall meet the Acceptability Criteria set forth in this section except for such variations as are proposed by the PHA and approved by HUD. Local climatic or geological conditions or local codes are examples which may justify such variations.

(a) *Sanitary facilities*—(1) *Performance requirement.* The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(2) *Acceptability criteria.* A flush toilet in a separate, private room, a fixed basin with hot and cold running water, and a shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.

(b) *Food preparation and refuse disposal*—(1) *Performance requirement.* The dwelling unit shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(2) *Acceptability criteria.* The unit shall contain the following equipment

in proper operating condition: cooking stove or range and a refrigerator of appropriate size for the unit, supplied by either the Owner or the Family, and a kitchen sink with hot and cold running water. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided.

(c) *Space and security*—(1) *Performance Requirement.* The dwelling unit shall afford the Family adequate space and security.

(2) *Acceptability criteria.* The dwelling unit shall contain a living room, kitchen area, and bathroom. The dwelling unit shall contain at least one bedroom or living/sleeping room of appropriate size for each two persons. Persons of opposite sex, other than husband and wife or very young children, shall not be required to occupy the same bedroom or living/sleeping room. Exterior doors and windows accessible from outside the unit shall be lockable.

(d) *Thermal environment*—(1) *Performance requirement.* The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.

(2) *Acceptability criteria.* The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

(e) *Illumination and electricity*—(1) *Performance requirement.* Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.

(2) *Acceptability criteria.* Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two electric outlets one of which may be an overhead light

shall be present and operable in the living area, kitchen area, and each bedroom area.

(f) *Structure and materials*—(1) *Performance requirement.* The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(2) *Acceptability criteria.* Cellings, walls, and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weathertight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition.

(g) *Interior air quality*—(1) *Performance requirement.* The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.

(2) *Acceptability criteria.* The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

(h) *Water supply*—(1) *Performance requirement.* The water supply shall be free from contamination.

(2) *Acceptability criteria.* The unit shall be served by an approved public or private sanitary water supply.

(i) *Lead-based paint*—(1) *Purpose and applicability.* The purpose of this paragraph is to implement the provisions of section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate as far as practicable the hazards of lead-based paint poisoning with respect to existing hous-

ing units for which Requests For Lease Approval are made under this Part. This paragraph is promulgated under the authorization granted in 24 CFR 35.24(b)(4) and superseded, with respect to all housing to which it applies, the requirements prescribed by subpart C of 24 CFR part 35. The requirements of paragraph (i)(4) of this section are applicable to units for which initial inspection under § 882.209(h)(1) or periodic inspection under § 882.211(b) is made on or after May 1, 1987. The requirements of this paragraph do not apply to 0-bedroom units. The requirements of subpart A of 24 CFR part 35 apply to all units constructed prior to 1978 covered by a Housing Assistance Payments Contract under this subpart.

(2) *Definitions—Applicable surface.* All intact and nonintact interior and exterior painted surfaces of a residential structure.

Chewable surface. All chewable protruding painted surfaces up to five feet from the floor or ground, which are readily accessible to children under seven years of age, e.g., protruding corners, windowsills and frames, doors and frames, and other protruding woodworks.

Defective paint surface. Paint on applicable surfaces that is cracking, scaling, chipping, peeling or loose.

Elevated blood lead level or EBL. Excessive absorption of lead, that is, a confirmed concentration of lead in whole blood of 25 ug/dl (micrograms of lead per deciliter of whole blood) or greater.

Lead-based paint. A paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 mg/cm².

(3) *Defective paint.* In the case of a unit, for a Family which includes a child under the age of seven years, which was constructed prior to 1978, the initial inspection under § 882.209(h)(1), and each periodic inspection under § 882.211(b), shall include an inspection for defective paint surfaces. If defective paint surfaces are found, treatment as required by 24 CFR 35.24(b)(2)(ii) shall be required in accordance with § 882.209(h) or § 882.211(b)-(c), as appropriate. Correction of defective paint conditions

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discovered at periodic inspection shall be completed within 30 days of PHA notification to the Owner. When weather conditions prevent completion of repainting of exterior surfaces within the 30 day period, repainting may be delayed, but covering or removal of the defective paint must be completed within the prescribed period.

(4) *Chewable surfaces.* In the case of a unit constructed prior to 1978, for a Family which includes a child under the age of seven years with an identified EBL condition, the initial inspection under § 882.209(h)(1), or a periodic inspection under § 882.211(b), shall include a test for lead-based paint on chewable surfaces. Testing shall be conducted by a State or local health or housing agency, an inspector certified or regulated by a State or local health or housing agency or an organization recognized by HUD. Lead content shall be tested by using an X-ray fluorescence analyzer (XRF) or other method approved by HUD. Test readings of 1 mg/cm² or higher using an XRF shall be considered positive for presence of lead-based paint. Where lead-based paint on chewable surfaces is identified, covering or removal of the paint surface in accordance with 24 CFR 35.24(b)(2)(ii) shall be required in accordance with § 882.209(h) or § 882.211 (b) and (c), as appropriate, and correction shall be completed within the time limits set forth in paragraph (i)(3) of this section.

(5) *Abatement without testing.* In lieu of the procedures set forth in (4) above, the PHA may at its discretion, forego testing and require the owner to abate all interior and exterior chewable surfaces in accordance with the method set out at 25 CFR 35.24(b)(2)(ii).

(6) *Tenant protection.* the owner shall take appropriate action to protect tenants from hazards associated with abatement procedures.

(7) *Records.* The PHA shall keep a copy of each inspection report for at least three years. If a unit requires testing or if the unit requires treatment of chewable surfaces based on the testing, the PHA shall keep indefinitely the test results and, if applicable, the owner certification of treat-

ment. The records shall indicate which chewable surfaces in units have been tested and which chewable surfaces in the units have been treated. If records establish that certain chewable surfaces were tested or tested and treated in accordance with the standards prescribed in this section, such chewable surfaces do not have to be tested or treated at any subsequent time.

(j) *Access—(1) Performance requirement.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties, and the building shall provide an alternate means of egress in case of fire.

(2) *Acceptability criteria.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).

(k) *Site and neighborhood—(1) Performance requirement.* The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants.

(2) *Acceptability criteria.* The site and neighborhood shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(l) *Sanitary condition—(1) Performance requirement.* The unit and its equipment shall be in sanitary condition.

(2) *Acceptability criteria.* The units and its equipment shall be free of vermin and rodent infestation.

(m) *Congregate Housing—Performance requirement.* The foregoing standards shall apply except for paragraph (b) of this section and the requirement in paragraph (c)(2) of this section for a kitchen area. In addition, the following standards shall apply:

(1) The unit shall contain a refrigerator of appropriate size.

(2) The sanitary facilities described in paragraph (a) of this section shall be contained within the unit.

(3) The central dining facility and central kitchen shall be located within the building or housing complex and be accessible to the occupants of the congregate units, and shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner by a food service or persons other than the occupants and shall be for the primary use of occupants of the congregate units and be sufficient in size to accommodate the occupants. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(n) *Independent Group Residence—Performance requirement.* The foregoing standards shall apply except for paragraphs (a), (b), (c), (f), (k), and (m) of this section. In addition, the following standards shall apply: (1) The unit shall contain and have ready access to a flush toilet which can be used in privacy, a fixed basin with hot and cold running water, and a shower and/or tub equipped with hot and cold running water all in proper operating condition and adequate for personal cleanliness and the disposal of human wastes. These facilities shall utilize an approved public or private disposal system, and shall be sufficient in number so that they need not be shared by more than four occupants. Those units accommodating physically handicapped occupants with wheelchairs or other special equipment shall provide access to all sanitary facilities, and shall provide, as appropriate to needs of the occupants, basins and toilets of appropriate height; grab bars to toilets, showers and/or bathtubs; shower seats; and adequate space for movement.

(2) The unit shall contain suitable space to store, prepare and serve foods in a sanitary manner. A cooking stove or range, a refrigerator(s) of appropriate size and in sufficient quantity for the number of occupants, and a kitchen sink with hot and cold running water shall be present in proper oper-

ating condition. The sink shall drain into an approved private or public system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(3) The dwelling unit shall afford the Family adequate space and security. A living room, kitchen, dining area, bathroom, and other appropriate social, recreational or community space shall be within the unit, and the unit shall contain at least one bedroom of appropriate size for each two persons. Exterior doors and windows accessible from outside each unit shall be capable of being locked. An emergency exit plan shall be developed and occupants shall be apprised of the details of the plan. All emergency and safety features and procedures shall meet applicable State and local standards.

(4) The unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment. Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weathertight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition. Units accommodating physically handicapped occupants with wheelchairs and other special equipment shall not contain architectural barriers which impede access or use, and handrails and ramps shall be provided as appropriate.

(5) The site and neighborhood shall be reasonably free from disturbing

noises and reverberations and other hazards to the health, safety, and general welfare of the occupants, and shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibrations or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards. The unit shall be located in a residential setting and be similar in size and appearance to housing generally found in the neighborhood, and be within walking distance or accessible via public or available private transportation to medical and other appropriate commercial and community service facilities.

(6) *Supportive services.* (i) A planned program of adequate supportive services appropriate to the needs of the occupants shall be provided on a continual basis by a qualified Resident Assistant(s) residing in the unit, or other qualified person(s) not residing in the unit, who will provide such services on a continual, planned basis. Supportive services which are provided within the unit may include the following types of services: Counseling; social services which promote physical activity, intellectual stimulation and/or social motivation; training or assistance with activities of daily living including housekeeping, dressing, personal hygiene and/or grooming; provision of basic first aid skills in case of emergencies; supervision of self-administration of medications, diet and nutrition; and assurance that occupants obtain incidental medical care, as needed, by facilitating the making of appointments at, and transportation to, medical facilities. Supportive services provided within the unit shall not include the provision of continual nursing, medical or psychiatric care.

(ii) The provision and quality of the planned program of supportive services, including the minimal qualifications, quantity and working hours of the Resident Assistant(s) living in the unit or other person(s) providing continual supportive services, shall be initially determined by the Service

Agency in accordance with the standards established by the State. Compliance with these standards by the Service Agency shall be regularly monitored throughout the term of the Contract by the PHA and the State (e.g., Department of Human Resources, Mental Health, Mental Retardation, Social Services, etc.), or a local authority (other than the Service Agency providing services) designated by the State to establish, maintain and enforce such standards.

(iii) A written Service Agreement, approved by the State and in effect between the Owner and the Service Agency and/or the entities which provide the necessary supportive service, shall be submitted to the PHA with the request for Lease approval. The Lease between the eligible individual and the Owner shall set forth the Owner's obligation for and means of providing these services. If the lessor provides the supportive services, a Service Agreement is not required and the provision of these services shall be incorporated into the Lease and shall be approved by the State. (See § 882.209(j) (2).)

(7) *State approval.* Independent Group Residences shall be licensed, certified or otherwise approved in writing by the State (e.g., Departments of Human Resources, Mental Health, Retardation, Social Services, etc.) prior to the execution of the initial Contract. This approval shall be reexamined periodically based on a schedule established by the State.

To assure that facilities and the supportive services are appropriate to the needs of the occupants, the State shall also approve the written Service Agreement (or Leases, if the provider of services is the lessor) for each Independent Group Residence. (See § 882.209(j) (2).)

(c) *Manufactured Home.*—(1) *Performance requirement.* A Manufactured Home unit, whether owner or renter occupied, shall comply with the foregoing standards except for paragraph (m) of this section, Congregate Housing, and paragraph (n) of this section, Independent Group Residences. In addition, a Manufactured Home unit shall:

(a) Meet the definition of a Manufactured Home set forth in § 882.102,

(b) Be equipped with at least one smoke detector in working condition, and

(c) Must be placed on the site in a stable manner and be free from hazards such as sliding or wind damage.

(2) *Acceptability criteria.* A Manufactured Home must be securely anchored by a tie-down device which distributes and transforms the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

(p) *Single Room Occupancy (SRO) Unit—Performance requirements.* (1) The foregoing standards shall apply except for paragraphs (a), (b), (c), (m), (n), and (o).

(2) Each SRO unit shall be occupied by no more than one person.

(3) Exterior doors and windows accessible from outside the SRO unit must be able to be locked.

(4) Sanitary facilities, space and security shall meet local code standards for single room occupancy housing. In the absence of applicable local code standards, the requirements for habitable rooms used for living and sleeping purposes contained in the American Public Health Association's Recommended Housing Maintenance and Occupancy Ordinance shall be used.

(q) *Shared Housing.* (1) *Applicability of housing quality standards to entire unit.* The entire unit must comply with the Performance Requirements and Acceptability Criteria, as provided in paragraphs (a) and (b) of this section and in paragraphs (d) through (l) of this section.

(2) *Facilities available for Family.* The facilities available for the use of each assisted Family in Shared Housing under the Family's Lease must include (whether in the Family's Private Space or in the Common Space) a living room, sanitary facilities in accordance with paragraph (a), and food preparation and refuse disposal facilities in accordance with paragraph (b).

(3) *Space and security.*—(i) *Inapplicability of paragraph (c).* Paragraph (c) of this section does not apply to Shared Housing.

(ii) *Performance requirement.* The entire unit must provide adequate

space and security for all its occupants (whether assisted or unassisted). The total number of occupants in the unit may not exceed 12 persons. Each unit must contain Private Space containing at least one bedroom for each assisted Family, plus Common Space for shared use by the occupants of the unit. The Private Space for each assisted Family must contain at least one bedroom for each two persons in the Family. (The two preceding sentences do not apply to the case of two individuals sharing a one-bedroom unit. However, in that situation, no other persons may occupy the unit.) Common Space must be appropriate for shared use by the occupants. If any members of the Family are physically handicapped (as of the time of lease approval), the unit's Common Space and the Family's Private Space must be accessible and usable by them.

(iii) *Acceptability criteria.* The unit must contain a living room, a kitchen, bathroom(s), and bedroom(s). Persons of opposite sex, other than husband and wife or very young children, may not be required to occupy the same bedroom. Exterior doors and windows accessible from outside the unit must be lockable.

[43 FR 61246, Dec. 29, 1978, as amended at 44 FR 21630, Apr. 11, 1979; 44 FR 65364, Nov. 9, 1979; 49 FR 12237, Mar. 29, 1984; 50 FR 9269, Mar. 7, 1985; 50 FR 38794, Sept. 25, 1985; 51 FR 21309, June 11, 1986; 51 FR 24324, July 3, 1986; 52 FR 1893, Jan. 15, 1987; 52 FR 9828, Mar. 27, 1987; 53 FR 4388, Feb. 16, 1988; 53 FR 7734, Mar. 10, 1988; 53 FR 20801, June 6, 1988]

§ 882.110 Types of housing.

(a) Any type of Existing Housing meeting the housing quality standards may be utilized under this part, except nursing homes, units within the grounds of penal, reformatory, medical, mental and similar public or private institutions, and facilities providing continual psychiatric, medical or nursing services. Examples of Existing Housing which may be utilized include, but are not limited to, privately owned apartments, houses and congregate housing units; existing FHA insured. Section 202 direct loan. Farmers Home Administration (FmHA) insured or direct loan. PHA 014816